

Plan for Client Services for Persons with Limited English Proficiency and Sensory Impairment

**Georgia Department
of Human Resources**

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DEFINITION

For purposes of this document, the word "language" refers to the method by which an individual communicates with another and includes languages other than English and generally accepted means of communication used by individuals with sensory impairments.

I. PURPOSE AND GENERAL POLICY

DHR is committed to ensuring that Limited English Proficiency (LEP) and sensory impaired clients have meaningful language access to all programs and activities conducted or supported by the department. Those services include programs and assistance provided directly by the department, its divisions and offices (listed below), as well as those funded by grant in aid resources to county, regional and local offices. In addition, meaningful language access will be ensured by all entities contracting with the department for the provision of public services.

- Department Programs and Offices
- Office of Adoptions
- Division of Aging Services
- Office of Child Support Enforcement
- Office of Regulatory Services
- Division of Family and Children Services
- Division of Mental Health, Mental Retardation and Substance Abuse
- Division of Public Health

For a comprehensive listing of services by division and office, the Department of Human Resources maintains a website at www.dhr.state.ga.us with a link to the site in Spanish.

II. RESPONSIBILITIES

The Department shall have in place specific written policies and procedures, both at state and local levels concerning language access. These policies and procedures shall designate the Division, Office, or specific staff position responsible for implementing activities related to these policies and procedures.

The responsibilities for carrying out the policy and procedures in this document are shared between the Department as a whole through the Office of Policy and Government Services and the various County Offices, Regional Offices, and State Office Programs that provide direct benefits or services to potential or actual clients through a Local Client Language Services Coordinator.

A. RESPONSIBILITIES OF THE DEPARTMENT OF HUMAN RESOURCES DHR

DHR's Office of Policy and Government Services will be the primary point of contact for the county, regional, and state Program Client Language Services Coordinators (CLSCs). This office has the following specific responsibilities:

1. Maintaining DHR's Limited English Proficiency and Sensory Impairment (LEP/SI) policy and keeping it current and relevant;
2. Maintaining an active list of all local CLSCs within the agency as reported by county directors and regional office administrators;
3. Providing initial training, support and guidance to local CLSCs and ensuring that CLSCs receive ongoing training bi-annually;
4. Developing and maintaining a statewide resource database from the lists generated by the local CLSCs;
5. Maintaining the annual self-assessment information provided by the county, regional and state program offices;
6. Overseeing, along with programs, the translation and printing of critical forms into languages most often and significantly encountered in the state;
7. Working, along with the program divisions and offices and with the Office of Information Technology, to ensure that the agency's electronic systems include alerts and information on the client's language needs,
8. Managing contracts for telephone interpreting services, sign language interpreter services, interpreter/translator testing contracts, and other statewide contracts that provide language services to LEP/SI clients;
9. Receiving, reviewing and investigating appropriate complaints of discrimination based on disability or national origin as they relate to language assistance; and,

10. Serving as the point of contact for state-level and federal-level compliance reviews.

B. RESPONSIBILITIES OF THE LOCAL CLIENT LANGUAGE SERVICES COORDINATOR

The director of each Health District, DFCS region, MHMRSA region, Aging region and Child Support region will designate a local CLSC. Each local CLSC has the following responsibilities and duties:

1. Keeping current and relevant local agency or office LEP/SI policy and procedures for determining language needs of the local service area; securing language resources; overseeing oral and written language services, including notifying clients of free language services, assessing staff training needs, providing staff training, and monitoring quality and effectiveness of language access services,
2. Preparing an assessment report, at least annually, on the language demographics of the local community and the Agency's capacity to meet those needs,
3. Overseeing the provision of oral and written language services to clients, and,
4. Ensuring that clients receive notification of language services at no cost to them.

III. SPECIFIC POLICY AND PROCEDURES

A. NEEDS AND RESOURCE ASSESSMENT

DHR has examined general population data within the state to determine the extent to which interpreter services are needed for LEP and sensory impaired clients. The largest language group needing interpreter services were Hispanics, who represent approximately 70 percent of the LEP population. Estimates of the total LEP population in Georgia based on currently available census data range between 266,000 and 308,000.

The resources that are currently being used include interpreters from advocacy groups, departmental employees and paid interpreters.

The department's Office of Policy and Government Services will conduct ongoing assessments of needs and resources based on Census 2000 data, agency records and contacts with community organizations.

DHR will record, based on the assessments, the population of the persons eligible to be served or likely to be directly affected by programs and services of DHR. DHR will make projections, where feasible, of the number of clients who are LEP/sensory impaired. DHR will endeavor to record in records and electronic files the language needs of LEP/sensory impaired clients and record the communications assistance actually provided. This will include the language of the LEP client and method of communication used for the sensory impaired client (i.e., American Sign Language, Braille, etc.)

Language assistance would likely be needed at the following contact points:

- Program Intake
- Eligibility Assessments
- Caseworker Contacts
- Home Visits
- Field Contacts
- Telephone Contacts

DHR will identify the resources that are needed based on assessments and specify the location and availability of these resources.

DHR will determine the arrangements that must be made to access the resources identified in a timely manner.

B. LANGUAGE ASSISTANCE

1. Oral Language Interpretation

DHR will provide competent interpreters and other oral language assistance in a timely manner.

Interpreter Sources

DHR will use a range of resources that include:

- Bilingual staff that are trained and competent in the skill of interpreting,
- Staff interpreters who are trained and competent in the skill of interpreting,
- Outside interpreter services,
- Voluntary community interpreters who are trained and competent in the skill of interpreting, and,
- A telephone language interpreter service.

Considerations for the type of resources to be used will include the frequency with which staff members are required to communicate program information to clients who speak a primary language other than English or who have a sensory impairment, and the difficulty in securing interpreter services in a timely or cost effective manner.

Directory of Interpreters

The Department of Human Resources will maintain a directory of interpreters for LEP and sensory impaired persons that will list interpreters according to the geographic areas served by the interpreters. The directory will be updated annually by the department and will be made available to local offices.

Certified/Qualified Interpreters

DHR does not certify individuals as interpreters. However, any person may serve as an interpreter for LEP people and be placed on the Department's list of qualified interpreters provided:

- The person has been certified pursuant to 28 USC & 1827 (B)(1) or found to be otherwise qualified pursuant to 28 USC & 1827 (B)(2) in the LEP individuals language by the Director of Administrative Office of the United States Courts; or

- Is registered in the LEP's language on the register of interpreters maintained by the Commission on Equality of the Supreme Court of Georgia; or Is currently certified by any state, regional or national interpreting association, board or body as proficient in the LEP individual's language.

Other Qualified Interpreters

Any person who demonstrates verbal proficiency in English and the language for which they will interpret by achieving an accuracy score of 75% on a standard examination administered by the Department and who completes the Department's training program for qualified interpreters will be deemed a qualified interpreter for persons who are LEP/SI and be entered on the Department's list of qualified interpreters for the specific languages or sensory impairments. The Department's training will include an orientation on program benefits and services, the terminology used in those programs, confidentiality/privacy standards, and instruction on DHR's Code of Professional Conduct.

Departmental Employees

Any employee of the department who demonstrates verbal proficiency in English and the language for which they will interpret by achieving 75% or more on a standard examination administered by the department will be deemed a qualified interpreter for persons who are LEP/SI in that language and be entered on the department's list of qualified interpreters for the specific languages or sensory impairments. The department has sought to supplement salaries of employees who become qualified as interpreters, but such employees will not be eligible for compensation for interpretation services beyond the employee's regular salary and any other authorized supplement thereto.

Non-Certified/Qualified Interpreters

DHR recognizes that a client may choose the services of an interpreter, such as a family member or friend, who is not certified. When this occurs, DHR will ensure informed choice by taking the following steps:

- DHR will inform the client that the department will provide an interpreter at no cost to the client.
- If the client makes an informed choice to use an interpreter who is not qualified, DHR will have the client sign a form documenting that choice.
- The interpreter will sign an acknowledgment of his or her responsibility and provide an oral translation of the informed choice statement to the client.
- These actions will be documented in the client's file with copies of the signed documents.
- DHR's service provider will determine, through the use of a qualified interpreter who would sit in to ensure accurate interpretation, whether the client's chosen interpreter is able to effectively communicate with both the provider and the client. Documentation will be placed in the file to indicate the basis upon which the determination is made that the client's chosen interpreter is proficient in English and the second language; has sufficient knowledge of the program and is familiar enough and understands commonly used terms and concepts necessary to conduct an effective interview with the client.
- The provider will determine if the use of the chosen interpreter would compromise the effectiveness of services and/or violate the client's confidentiality. If the determination is positive and the informed choice form is signed, the provider may proceed. Documentation will be placed in the file to indicate the basis upon which it was decided that the client's confidentiality would not be breached and that the information solicited during the interview is not compromised by the client or the family member or friend due to confidentiality issues. If negative, the provider will request the assistance of a qualified/certified interpreter and document the action in the client's file.

Translation of Written Materials

DHR will ensure that written materials provided in English to program participants will also be provided in other regular occurring languages. These materials will be available in hard copy and on the DHR Website.

DHR will determine on a statewide basis the language and sensory impairment groups that constitute a significant percentage of the order to determine the languages in which documents will be translated.

DHR will identify those documents deemed vital to the provision of information on services and for the provision of services. A list of forms and documents will be maintained and reviewed annually for inclusion. These documents may include applications, consent forms, letters containing important information regarding program participation, notices pertaining to adverse action, notices of the right to appeal, notifications to LEP persons informing them of free language assistance, and outreach materials normally sent to English-speaking customers or potential customers.

DHR will identify appropriate certified translation services available for translation services.

Provision of Notice

DHR will provide effective notice to LEP/SI persons that they have a right to language assistance and that such assistance is free of charge.

DHR will post and maintain signs in regularly encountered languages other than English in waiting rooms, reception areas and at other points of intake. DHR will use language identification cards that allow beneficiaries to identify their language needs.

DHR will stipulate in contracts or other vendor agreements that interpreter services are to be provided at no charge.

C. POLICIES AND PROCEDURES FOR SERVICE DELIVERY

When Services are delivered to clients, whether by departmental employees or contract vendors, DHR will ensure:

- LEP/sensory impaired customers will be identified as early as possible through the use of "I speak" cards,
- LEP/sensory impaired customers will be informed of their right to request an interpreter at no cost, and,
- No significant delays will occur in this process.

DHR will ensure that interpreters are used:

- When requested by a customer,
- When requested by a service provider of an LEP/sensory impaired customer,
- When necessary to establish or maintain a client's eligibility for DHR programs or services,
- When interpreter services are necessary to access public meetings sponsored by DHR or those under contract to DHR, and,
- When necessary for the customer to access any service funded directly or indirectly by DHR.

III. TRAINING

DHR will disseminate the LEP/sensory impaired policies and procedures to all employees likely to have contact with LEP/sensory impaired clients.

DHR will contract for training on cultural diversity with community organizations that are competent and experienced in such training and who are known to OCR.

DHR will contract for training on LEP/sensory impaired policy and procedures with community organizations that are competent and experienced in such training and who are known to OCR.

DHR will introduce new employees to LEP/sensory impaired policies and procedures in departmental orientation.

DHR will train current employees likely to contact LEP/sensory impaired individuals on an annual basis.

Training will ensure that employees are knowledgeable regarding:

- Policies and procedures of language access;
- Resources available to determine the language needs of a client;
- Resources available to ensure that access is provided in a timely and effective manner;
- Working effectively with language interpreters; and,
- Available documents that have been translated into languages other than English, and Policies and procedures for "informed choice."

DHR will notify interpreters that they are to follow the Code of Professional Conduct and that violations of the Code may result in removal from the DHR list of qualified/certified interpreters.

IV. MONITORING

DHR will monitor the Plan for Interpreter Services on an annual basis to evaluate its effectiveness to ensure language access to LEP/sensory impaired individuals.

Reassessment will include the following:

- Language needs,
- Policy and procedures,
- Training programs,
- Screening process for identifying certified/qualified interpreters,
- Translation practices,
- Effectiveness of the Problem Resolution Team, and
- Effectiveness of the monitoring process.

DHR will require each program region to submit a Language Assistance Plan to DHR for approval. The Plan must address each county within the program region as a separate entity with reference to the points to be included in the Plan as listed below.

These plans will include:

- Identity of interpreters,
- Contracts made to provide language access services,
- Determination of language needs in the service area, and,
- Program monitoring information.

DHR will develop a reporting form (by county) that includes:

- Total number of LEP/sensory impaired clients receiving assistance;
- Number of translators by language category;
- Total number of instances, by language category, this service was provided; and
- Total number of hours, by language category, this service was made available.

DHR will prepare an informational document describing a Problem Resolution Team. This team will assist the department in identifying and offering programmatic problems facing LEP/Sensory Impaired Clients. The document will include the following:

- Description of Team functions;
- Contact points such as telephone numbers, addresses and individuals to contact;
- Forms for addressing complaints;
- Time frames for response; and,
- A description of the appeals process.